



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,795	09/17/2003	Jean-Paul Fredette	15710-1US - GH/ljd	3774

20988 7590 01/26/2005
OGILVY RENAULT
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
3634	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,795

Applicant(s)

FREDETTE, JEAN-PAUL

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,9-14,16-24 is/are rejected.
- 7) ☒ Claim(s) 3-8,12 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,9,10,13 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Donigan.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,9-11,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peruzzi et al in view of Sago. Peruzzi shows the claimed scaffold with the exception of the displaceable bracing means. Sago shows a displaceable bracing means 53. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Peruzzi with displaceable bracing means, as taught by Sago, for stabilizing his platform assembly.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Donigan. Allen shows the claimed scaffold with the exception of the displaceable bracing means and immobilizing and leveling means.

Donigan shows a displaceable bracing means 31 and leveling means 46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Allen with displaceable bracing means and leveling means, as taught by Donigan, for stabilizing leveling his platform assembly.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen and Donigan as applied to claim 18 above, and further in view of Dillon et al. Dillon shows a traction means comprising an endless belt 30 between a pair of wheels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allen to comprise a traction means, as taught by Dillon, to enhance traction of his vehicle.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Sago. Mitchell shows the claimed scaffold with the exception of the displaceable bracing means. Sago shows a displaceable bracing means 53. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Mitchell with displaceable bracing means, as taught by Sago, for stabilizing his platform assembly.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peruzzi and Sago as applied to claim 11 above, and further in view of Drolet. Drolet shows the use of a drill 65 on a platform. It would have been obvious to one

of ordinary skill in the art at the time the invention was made to provide the platform of Peruzzi with a power tool, as taught by Drolet, to enable drilling from his platform. Furthermore, the examiner takes official notice that the provision of a compressor and electrical supply for the operation of power drills as taught by Drolet is conventional, and to provide a compressor and electrical supply to operate the drill as taught by Drolet would have been obvious in view of the conventional teachings.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peruzzi and Sago as applied to claim 11 above, and further in view of either Proulex or Johnson. Proulex at 29 and Johnson at 83 show canopy for a platform. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the platform of Peruzzi with a canopy, as taught by either Proulex or Johnson, as a shelter for his platform.

Claims 3-8,12 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

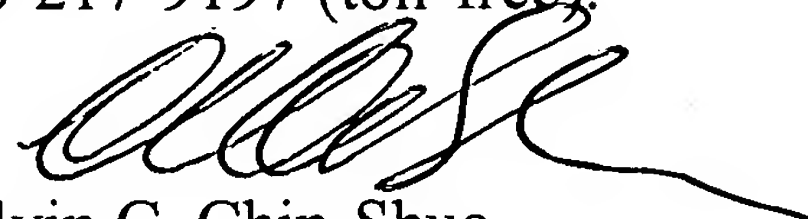
In claim 1, it appears that “supporvt” should be – support --.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is

703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue
Examiner
Art Unit 3634

ACS